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10/15/2001 02:36 PM 46.00
Book - 8511 Pg - 2647-2653
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
WEST VALLEY CITY
3600 CONSTITUTION BLVD
WVC UT 84119-3720
BY: RDJ, DEPUTY - WI 7 P.

WHEN RECORDED RETURN TO:
VIVANTE, L.C.
Wayne H. Corbridge
758 South 400 East
Orem, Utah 84058

**SECOND SUPPLEMENT TO THE
DECLARATION OF CONDOMINIUM FOR VIVANTE**
an expandable Utah condominium project

This SECOND SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR VIVANTE, an expandable Utah condominium project, is made and executed by VIVANTE DEVELOPMENT, L.C., a Utah limited liability company, of 758 South 400 East, Orem, Utah 84097, and RODNEY W. JACKSON AND CHRLY M. JACKSON, TRUSTEES OF THE JACKSON LIVING TRUST DATED SEPTEMBER 28, 1998, of 758 South 400 East, Orem, Utah 84097 (collectively, "Declarant").

RECITALS

Whereas, the original Declaration of Condominium for VIVANTE was recorded in the office of the County Recorder of Salt Lake County, Utah on the 15th day of October, 2001 as Entry No. 8029557 in Book 8511 at Page(s) 2575-2638 of the Official Records of the County Recorder of Salt Lake County, Utah (the "Declaration").

Whereas, the related Plat Map(s) for Phase I of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, the First Supplement to the Declaration of Condominium for VIVANTE was recorded in the office of the County Recorder of Salt Lake County, Utah on the 15th day of October, 2001 as Entry No. 8029559 in Book 8511 at Page(s) 2640-2645 of the Official Records of the County Recorder of Salt Lake County, Utah (the "First Supplement").

Whereas, the related Plat Map(s) for Phase II of the Project has also been recorded in the office of the County Recorder of Salt Lake County, Utah.

Whereas, under Article III, Section 45 of the Declaration, Declarant reserved an option, until the seven (7) years from the date following the first conveyance of a Unit in Phase I to a Unit purchaser, to expand the Project in accordance with the Act.

Whereas, Declarant is the fee simple owner of record of that certain real property located in Salt Lake County, Utah and described with particularity on Exhibit "A-3" attached hereto and incorporated herein by this reference (the "Phase III Property").

Whereas, under the provisions of the Declaration, Declarant expressly reserved the

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15-27-403-002, 404-016

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absolute right, subject to the approval of the Department of Veterans Affairs, to add to the Project any or all portions of the Additional Land at any time and in any order, without limitation.

Whereas, Declarant desires to expand the Project by creating on the Phase III Property a residential condominium development.

Whereas, Declarant now intends that the Phase III Property shall become subject to the Declaration.

A G R E E M E N T

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Unit Owners thereof, Declarant hereby executes this SECOND SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR VIVANTE.

1. Supplement to Definitions. Article I of the Declaration, entitled "Definitions," is hereby modified to include the following supplemental definitions:

A. Second Supplement to the Declaration shall mean and refer to this SECOND SUPPLEMENT TO THE DECLARATION OF CONDOMINIUM FOR VIVANTE.

B. Second Supplemental Map or Phase III Map shall mean and refer to the Supplemental Plat Map for Phase III of the Project, prepared and certified to by Gary Wier, a duly registered Utah Land Surveyor holding Certificate No. 333098, and filed for record in the Office of the County Recorder of Salt Lake County, Utah concurrently with the filing of this Second Supplement to the Declaration.

Except as otherwise herein provided, the definition of terms contained in the Declaration are incorporated herein by this reference.

2. Legal Description. The real property described in Exhibit A-3 is hereby submitted to the provisions of the Act and said land shall be held, transferred, sold, conveyed and occupied subject to the provisions of the Declaration, as supplemented.

3. Annexation. Declarant hereby declares that the Phase III Property shall be annexed to and become subject to the Declaration, which upon recordation of this Second Supplement to the Declaration shall constitute and effectuate the expansion of the Project, making the real property described in Exhibit A-3 subject to the functions, powers, rights, duties and jurisdiction of the Association.

4. Total Number of Units Revised. As shown on the Phase III Map, a Building and six (6) additional Units are or will be constructed and/or created in the Project on the Phase III Property. The additional Building and Units are located within a portion of the Additional Land. Upon the recordation of the Phase III Map and this Second Supplement to the Declaration, the total number of Units in the Project will be twenty-four (24). The additional Building and Units

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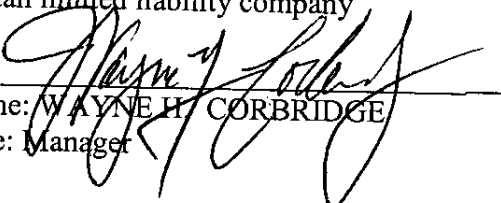
are substantially similar in construction, design and quality to the Buildings and Units in the prior Phases.

5. Percentage Interest Revised. Pursuant to the Act and the Declaration, Declarant is required, with the additional Units, to reallocate the undivided percentages of ownership interest in the Common Areas and Facilities. Revised Exhibit "C" (Percentages of Undivided Ownership Interests) to the Declaration is hereby deleted in its entirety and "Second Revised Exhibit 'C,'" attached hereto and incorporated herein by this reference, is substituted in lieu thereof.

6. Effective Date. The effective date of this Second Supplement to the Declaration and the Phase III Map shall be the date on which said instruments are filed for record in the Office of the County Recorder of Salt Lake County, Utah.

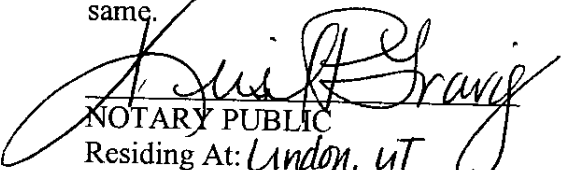
EXECUTED the 29 day of August, 2001.

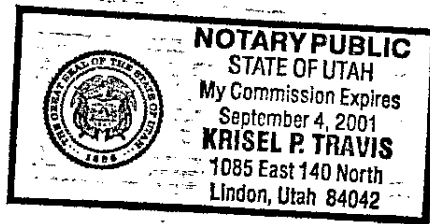
VIVANTE DEVELOPMENT, L.C.,
a Utah limited liability company

By: 
Name: WAYNE H. CORBRIDGE
Title: Manager

STATE OF UTAH)
)ss:
COUNTY OF UTAH)

On the 29 day of August, 2001 personally appeared before me WAYNE H. CORBRIDGE, who by me being duly sworn, did say that he is the Manager of VIVANTE DEVELOPMENT, L.C., a Utah limited liability company, and that the within and foregoing instrument was signed in behalf of said Company by authority of a resolution of its Members, and said WAYNE H. CORBRIDGE duly acknowledged to me that said Company executed the same.


NOTARY PUBLIC
Residing At: London, UT
Commission Expires: Sept. 4, 2001



JACKSON LIVING TRUST DATED SEPTEMBER 28, 1998

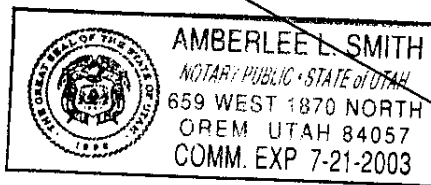
By: [Signature] Trustee
Name:
Title: Trustee

By: _____
Name:
Title: Trustee

STATE OF UTAH)
)ss:
COUNTY OF UTAH)

On the 6th day of September, 2001 personally appeared before me RODNEY W. JACKSON and CHRYL M. JACKSON, who by me being duly sworn, did say that they are the Trustees of the JACKSON LIVING TRUST DATED SEPTEMBER 28, 1998, and that the within and foregoing instrument was signed in behalf of said Trust by authority of the Trust Agreement, and said RODNEY W. JACKSON and CHRYL M. JACKSON duly acknowledged to me that said Trust executed the same.

[Signature]
NOTARY PUBLIC
Residing At: Utah
Commission Expires: 7-21-03



A.S.

* REFER TO FOLLOWING
PAGE FOR ACKNOWLEDGMENT

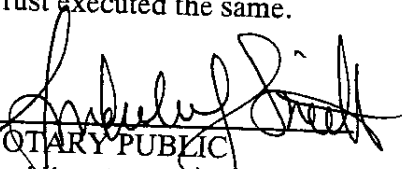
JACKSON LIVING TRUST DATED SEPTEMBER 28, 1998

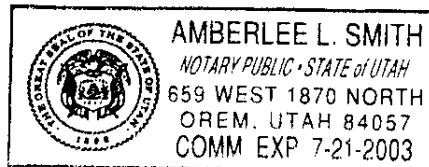
By: _____
Name:
Title: Trustee

By: _____
Name:
Title: Trustee

STATE OF UTAH)
)ss:
COUNTY OF UTAH)

On the 6th day of September, 2001, personally appeared before CHYRL M. JACKSON, know to me to be the Trustee of the **Chyrl M. Jackson for Rodney W. Jackson and Chyrl M. Jackson, Trustees or their successors in trust, under the Jackson Living Trust, dated September 28, 1998** and the trustees who subscribed the said Trust name to the foregoing instrument, acknowledged to me that she executed the same in said Trust name, and that said Trust executed the same.


NOTARY PUBLIC
Residing At: Utah
Commission Expires: 7-21-03



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Exhibit "A-3"

VIVANTE PHASE III
LEGAL DESCRIPTION

The land described in the foregoing document is located in Salt Lake County, Utah and is described more particularly as follows:

Beginning North 89°53'42" East along the Section 781.15 feet and South 0°06'18" East 33.00 feet from the Center of Section 27, Township 1 South, Range 1 West Salt Lake Base and Meridian, said point being on the South Right of Way line of 3100 South Street, and running thence North 89°53'42" East along said South line 176.81 feet; thence South 139.28 feet; thence West 104.35 feet; thence North 24.61 feet; thence West 88.43 feet to a point on a 168.45 foot radius curve to the left, the center of said curve bears N85°11'58"W, said point also being on the East Right of Way line of Lester Street; thence Northerly along the arc or said curve and East Right of Way line through a central angle of 4°50'46", 14.25 feet; thence North 0°02'44" West along said East Right of way line 75.07 feet to a point of a 28.00 foot radius curve to the right; thence Northeasterly along the arc of said curve and said East Right of way line through a central angle of 63°22'55", 30.97 feet to the point of beginning.

Contains 24,469 square feet
or 0.56 acres.

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SECOND REVISED EXHIBIT "C"
PERCENTAGES OF UNDIVIDED OWNERSHIP INTEREST

<u>Phase</u>	<u>Building No.</u>	<u>Unit No.</u>	<u>Percentage of Ownership Interest</u>
1	Q	1	4.1666%
1	Q	2	4.1666%
1	Q	3	4.1666%
1	Q	4	4.1666%
1	Q	5	4.1666%
1	Q	6	4.1666%
2	D	1	4.1666%
2	D	2	4.1666%
2	D	3	4.1666%
2	D	4	4.1666%
2	D	5	4.1666%
2	D	6	4.1666%
2	D	7	4.1666%
2	D	8	4.1666%
2	D	9	4.1666%
2	D	10	4.1666%
2	D	11	4.1666%
2	D	12	4.1666%
3	J	1	4.1666%
3	J	2	4.1666%
3	J	3	4.1666%
3	J	4	4.1666%
3	J	5	4.1666%
3	J	6	4.1666%
TOTAL:			100.0%

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